

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

WILLIAM PATRICK BACA

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Case No. 4:09cr222
(Judge Crone)

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on May 15, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Ernest Gonzalez.

On October 27, 2010, Defendant was sentenced by the Honorable David Folsom to two hundred and forty (240) months' custody followed by five (5) years of supervised release for the offense of Conspiracy to Possess with Intent to Distribute Heroin Resulting in Death. On September 30, 2011, a reduction of sentence for changed circumstances was imposed and Judge Folsom reduced Defendant's sentence to twenty-four (24) months. On October 7, 2011, Defendant completed his period of imprisonment and began service of his supervised term.

On March 26, 2013, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated several mandatory, standard, and special conditions.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends an upward departure, due to a significant downward departure at sentencing from 240 months to 24 months, and that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of forty-eight (48) months with no supervised release to follow.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 31st day of May, 2013.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE